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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,206	05/09/2001	Bruce A. Olsen	11621/53970	3871
26869	7590	01/12/2005	EXAMINER	
DEVINE, MILLIMET & BRANCH, P.A. 111 AMHERST STREET BOX 719 MANCHESTER, NH 03105			HARRISON, CHANTE E	
		ART UNIT	PAPER NUMBER	
			2672	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/852,206	OLSEN, BRUCE A.
	<b>Examiner</b>	<b>Art Unit</b>
	Chante Harrison	2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 December 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) 4,5 and 9-18 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 6-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                             |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 12/1/04.

***This action is made FINAL.***

2. Claims 1-3, 6-8 are pending in the case. Claim 1 is an independent claim.

Claims 4-5 and 9-18 have been cancelled.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jason Braatz et al., U.S Patent Publication 2002/0120728 A1, 8/2002 and further in view of Tagami et al., U.S. Patent 4,484,284, 11/1984.

As per independent claim 1, Braatz discloses recording trip data (i.e. speed/odometer reading) periodically (pp. 5, Para 68, pp. 6, Para 87; pp. 10, Para 142) and time stamping each periodic recording (pp. 10, Para 142); recording geographic position periodically (pp. 5 Para 73; pp. 10, Para 142) and time stamping each recording (pp. 6, Para 85); saving the time stamped trip data and geographic position in a database (pp. 5, Para 73; pp. 6, Para 87; pp. 10, Para 139); and graphically displaying

the recorded trip data and the recorded geographic position as a function of time, from the database (pp. 3, Para 33; Fig. 9; pp. 10, Para 142).

Tagami discloses electronically monitoring trip data (col. 3, ll. 48-55) and recording trip data and geographic position when trip data indicates a predetermined trip event is occurring, thereby recording data for the event rather than waiting for a next period of one of the periodic recordings to initiate recording (i.e. electric signals are output from a gas rate sensor; the output is used to determine the geographic position; and the travel data is stored) (col. 3-4, ll. 56-12), saving the recorded trip data (i.e. gas rate sensor data) and geographic position recorded as a result of a trip event in the database (i.e. preselected travel distance and gas rate) (col. 4, ll. 4-12; col. 2-3, ll. 60-4), wherein the graphically displayed trip data and geographic position from recording as a result of a trip event is displayed differently than the graphically displayed trip data and geographic position from periodic recording (i.e. an instantaneous event is identified by a different marking and/or scale from other recorded travel points) (Fig. 2), which Braatz fails to specifically disclose.

It would have been obvious to one of ordinary skill in the art to incorporate Tagami's disclosure of electronically monitoring, recording and storing trip and position data... and graphically displaying the recorded trip event data differently from periodically recorded data with the disclosure of Braatz because Braatz teaches a vehicle tracking system (pp. 6, Para 85) for monitoring telemetry of fuel gauges (i.e. gas rate) of the vehicle (pp. 6, Para 87), where trends are used to anticipate conditions based on past performance (i.e. identifying/designating a trip event) (pp. 6, Para 85).

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Braatz also teaches that instances of information pertaining to a vehicle can be displayed and that the data of a plurality of vehicles may be displayed and designated graphically using different colors, shapes, or characters (pp. 10, Para 141).

As per dependent claims 2 and 10, Braatz in view of Tagami discloses choosing an instant in time causes corresponding recorded trip data and recorded geographic position to be displayed (pp. 10, Para 141-142). It is inherent that Braatz teaches choosing an instant in time causes corresponding recorded trip data and recorded geographic position to be displayed as he discloses tracking the location of a vehicle at multiple instances (i.e. times) and the tracking application interface displaying corresponding vehicle data (i.e. position and speed/trip data) upon user selection of a vehicle position at an instance in time.

As per dependent claim 3, Braatz in view of Tagami discloses choosing a geographic position causes temporally corresponding recorded trip data to be displayed (pp. 10, Para 141).

As per dependent claim 6, Braatz in view of Tagami fails to disclose graphically displaying only the event trip data. It would have been obvious to one of skill in the art to include graphically displaying only the event trip data in the disclosure of Braatz because Braatz teaches extracting trip data from recorded position data of a mobile

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asset (pp. 10, Para 142) and displaying data relevant to an asset upon user input (pp. 10, Para 141).

As per dependent claim 7, Braatz in view of Tagami discloses recording geographic position periodically (pp. 10, Para 42) in terms of latitude and longitude (pp. 3, Para 35); and plotting the geographic position on a map containing latitude and longitude information (pp. 10, Para 142; Fig. 8).

As per dependent claim 8, Braatz in view of Tagami fails to disclose the periodic recording of trip data is based on a periodic interval of time and the periodic recording of geographic position is based on a periodic interval of distance. It would have been obvious to one of skill in the art to incorporate the periodic recording of trip data is based on a periodic interval of time and the periodic recording of geographic position is based on a periodic interval of distance in the disclosure of Braatz because he teaches recording speed (i.e. trip data) and position as a function of time and space (pp. 10, Para 142).

***Response to Arguments***

2. Applicant's arguments filed 12/1/04 have been fully considered but they are not persuasive.

Applicant argues the present invention discloses monitoring and recording many different types of trip data on the occurrence of many different types of predetermined trip events; and these different types of trip data are not used to determine geographic position but are valuable in their own right, which Tagami fails to disclose as he only teaches monitoring and recording one type of trip data on the occurrence of one type of predetermined trip event.

In reply, Applicant fails to claim many different types of trip data are monitoring and recording based on the occurrence of many different types of predetermined trip events. Therefore, Tagami's disclosure of monitoring and recording trip data based on a trip event discloses the Applicant's claimed invention.

Applicant argues Tagami's disclosure of using monitored and recorded trip data to determine geographic position and graphically displaying trip data derived from geographic position teaches away from monitoring, recording and graphically displaying

trip data unrelated to geographic position, which are the basis of the invention in the present Application.

In reply, Applicant fails to claim the trip data is unrelated to geographic position.

Additionally, Applicant specifically claims monitoring and recording trip data and geographic position, which Tagami discloses, but does not claim a method of how the data is monitored and recorded.

Applicant argues the Office Action does not suggest why the periodic recording of Bratz and the trip event recording of Tagami should be combined much less why they should be combined but have the graphical display of the periodically recorded trip data and geographic position of Bratz displayed graphically differently than the trip data and geographic position recorded on the occurrence of a trip event of Tagami

In reply, the Office Action indicates it is obvious to combine the teachings of Tagami with that of Bratz because Braatz teaches a vehicle tracking system (pp. 6, Para 85) for monitoring telemetry of fuel gauges of the vehicle (pp. 6, Para 87), where trends are used to anticipate conditions based on past performance (i.e. identifying/designating a trip event) (pp. 6, Para 85). Thus, Bratz disclosure of identifying trends to anticipate a condition and designate a trip event suggests that data is monitored based on a predetermined event. Additionally the Office Action indicates Braatz teaches that instances of information pertaining to a

vehicle can be displayed and that the data of a plurality of vehicles may be displayed and designated graphically using different colors, shapes, or characters (pp. 10, Para 141). Thus, by teaching instances of data may be graphically displayed differently, Bratz suggests that the display of data obtained by a periodically recorded trip event or one displayed as a result of an anticipated trip event may be displayed differently.

Therefore the rejection in view of Bratz and further in view of Tagami is maintained.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

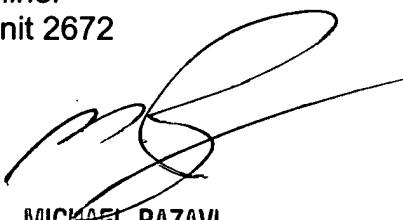
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 703-305-3937. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chante Harrison  
Examiner  
Art Unit 2672

December 29, 2004



MICHAEL RAZAVI  
SUPERVISORY PATENT EXAMINER  
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